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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,438	11/16/2001	Bruce Young	P1758US00	6122

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EXAMINER

PEYTON, TAMMARA R

ART UNIT PAPER NUMBER

2182

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/992,438

Applicant(s)

YOUNG, BRUCE

Examiner

Tammara R Peyton

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-12, and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over previously cited art (paper #2) *Baker et al.*, (US 6,185,627) and *Boston Acoustic, Inc.*, (Press release), and *Porrazzo et al.*, (US 5,872,855) and *Chan*, (US 6,600,908).

As per claim 1, 8, 15, 22, and 23, previously cited prior art *Baker* (Abstract, col.1, lines 52-col. 2, lines 1-19) and *Boston Acoustics, Inc.* (pgs. 1-3), and newly cited art *Porrazzo* teaches a dual-mode speaker capable of automatically reproducing audio from either an analog or a digital source. Specifically, each above reference has a speaker input, a means for detecting digital audio connected to said speaker input; an obvious digital to analog converter connected to said speaker input for converting a digital input signal into an analog signal, an amplifier and speaker. However, each of the above references does not expressly teach a multiplexer or switch for changing said speaker input from the analog signal to a digital to analog converter when digital audio is detected. *Porrazzo* (col. 9, lines 25-52) and *Boston Acoustic, Inc.* (pg. 2) teach a system including internal switches that automatically selects the analog or digital

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connections to a speaker output depending on the signal received. So, detecting a digital or analog signal is well known in the art. What is needed is a system that has a switch from said speaker input to the analog signal from the digital to analog converter. *Chan* teaches a controller that directs a signal switch coupled to a digital to analog converter and a FM demodulator (analog) wherein the signal switch selectively connects either the input from the digital to analog converter or the FM demodulator to the amplifier/speaker. (*Chan*, col. 12, lines 30-42 and col. 13, lines 30-67, Fig.5B) It would have been obvious to one of ordinary skill that to implement *Porrazzo* or *Boston Acoustic, Inc.*'s method of automatically selecting analog or digital connection depending on the signal received into *Chan*'s system. *Chan* would have been motivated to implement the automatic feature because it would provide the user with easy to set up, connect, and control the listening flexibility of the speaker system. (*Boston Acoustic, Inc.*, pg. 2) Further, it is well known in the art that a multiplexer is itself a switch. Therefore, it would have been obvious to one of ordinary skill that the analog switch disclosed by *Chan* and the internal switches of *Porrazzo* or *Boston Acoustic, Inc.* could be by an multiplexer and not depart from the inventive concept, because each reference teaches of switching between a digital or analog source based on the signal received.

As per claims 2, 3, 4, 9, 10, 11, 16, 17, and 18, *Baker* and *Porrazzo* teach wherein said means for detecting digital audio includes a filter that detects a range of frequencies. (*Baker*, Fig.9)

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As per claims 5, 12, and 19, *Chan* teaches including a packet header detector.  
(col. 10, lines 21-29, Fig. 5a, 336 and 354)

As per claims 7, 14, and 21, *Baker* teaches wherein said digital to analog converter recognizes S/PDIF digital signals and packets and converts them to analog audio signals. (*Baker*, col. 6, lines 23-27 and col. 9, lines 19-23)

Claims 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over previously cited art (paper #2) *Baker et al.*, (US 6,185,627) and *Boston Acoustic, Inc.*, (Press release), and *Porrazzo et al.*, (US 5,872,855) and *Chan*, (US 6,600,908) and in further view of *Shdema et al.*, (US 2002/0072816).

As per claim 6, 13, and 20, *Shdema* teaches wherein said digital to analog converter recognizes USB digital signals and packets and converts them to analog audio signals. (pg.11, Figs. 1-12) It would have been obvious to one of ordinary skill to implement *Shdema's* system use of recognizes USB digital signals to *Chan*. Do so would add and expand the flexibility of the system. Furthermore, it is well known in the art that audio systems are capable of outputting USB digital audio signal therefore implementing such a feature would be obvious.

### **Conclusion**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).



Tammara Peyton

September 10, 2003